

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

HUDSON SAVINGS BANK,
 Plaintiff
 v.
 GEORGE C. AUSTIN, III, As Executor of the
 Estate of George Clifford Austin, Jr., a/k/a
 G. Clifford Austin, II,
 GEORGE C. AUSTIN, III, As Heir of George
 Clifford Austin, Jr., a/k/a G. Clifford Austin, II)
 UNITED STATES OF AMERICA, and
 MASSACHUSETTS DEPARTMENT OF
 REVENUE,
 Defendants

CIVIL ACTION NO. 05-11604-GAO
 (Formerly Middlesex County Superior
 Court Civil Action No. 05-01231-G)

APPLICATION FOR ENTRY OF DEFAULT JUDGMENT

The defendant, the Commonwealth of Massachusetts Commissioner of Revenue (“Commissioner”), pursuant to the Federal Rules of Civil Procedure, Rule 55(b) (2), applies for an entry of default judgment against the defendant, George C. Austin, III, as Executor of the Estate of George Clifford Austin, Jr., a/k/a G. Clifford Austin, II and the defendant, George C. Austin, III, as Heir of George Clifford Austin, Jr., a/k/a G. Clifford Austin, II.

In support of this application, the Commissioner states that the defendant, George C. Austin, III has failed to plead or otherwise defend in this action as required by the rules of this court. Further the Commissioner states that the Return of Service against the defendant, George C. Austin, III as Heir of George C. Austin, Jr., was filed with the Middlesex Superior Court, C.A. No. 05-01231-G, on June 24, 2005 prior to the action's August 1, 2005 removal to this court by the defendant, the United States of America. The Middlesex Superior Court Civil Docket Entry

for the Return of Service reflects in-hand service upon the defendant, George C. Austin, at 24 Bolton Street, Marlboro, Massachusetts 01752. The United States District Court Civil Docket for this action, Entry #7, reflects that the State Court Record was filed with the U.S. District Court on August 16, 2005 and entered on August 18, 2005. Copies of the U.S. District Court Civil Docket and the State Court Docket Sheet will be attached hereto.

The Commissioner also states that the Return of Service against the defendant, George C. Austin, III as Executor of the Estate of George C. Austin, Jr., was filed with the Middlesex Superior Court, C.A. No. 05-01231-G, on June 24, 2005 prior to the action's August 1, 2005 removal to this court by the defendant, the United States of America. The Middlesex Superior Court Civil Court Docket Entry for the Return of Service reflects in-hand service on the defendant, George C. Austin, at 24 Bolton Street, Marlboro, Massachusetts 01752. The United States District Court Civil Docket for this action, Entry #7, reflects that the State Court Record was filed with the U.S. District Court on August 16, 2005 and entered on August 18, 2005. Copies of the U.S. District Court Civil Docket and the State Court Docket Sheet will be attached hereto.

WHEREFORE, the Commissioner respectfully applies for a default judgment to enter against the defendant, George C. Austin, III as Heir to George C. Austin, Jr., and against George C. Austin, III as Executor of the Estate of George C. Austin, Jr.

ALAN LEBOVIDGE
COMMISSIONER OF REVENUE
By his attorney,

/s/ Eileen Ryan McAuliffe

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DATED: May 1, 2007
235421/ERM

CERTIFICATE OF SERVICE

I, Eileen Ryan McAuliffe, certify that I have served a copy of the Application For Entry of Default Judgment ,by first-class mail, postage prepaid, upon

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/s/ Eileen Ryan McAuliffe
Eileen Ryan McAuliffe

DATED: May 1, 2007
235421/ERM